

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARLENE R. McWREATH, ROBERT C.)
McBRIDE, KAREN LUNDIN, and)
DEBORAH L. McWREATH,)

Plaintiffs,)

v.)

RANGE RESOURCES)
CORPORATION,)

Defendant.)

Civil Action No. 2:13-cv-00560-NBF

Electronically Filed

DEFENDANT’S ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

Defendant Range Resources Corporation (“Range Resources”) files the following Answer and Affirmative Defenses to the Complaint of Plaintiffs Darlene L. McWreath, Robert C. McBride, Karen Lundin, and Deborah L. McWreath (the “Plaintiffs”):

ANSWER

1. Admitted upon information and belief.
2. It is only admitted that Range Resources Corporation is the captioned defendant in this case and that Range Resources Corporation has a principal place of business at 100 Throckmorton Street, Suite 1200, Fort Worth, Texas 76102. It is denied that Range Resources Corporation is a proper defendant in this action.
3. It is admitted that an Exhibit 1 is attached to the Complaint. The remaining allegations in Paragraph 3 purport to describe the contents of Exhibit 1, which is a written document that speaks for itself. The allegations are denied to the extent they are at variance with the terms of Exhibit 1.

4. The allegations in Paragraph 4 purport to describe the contents of Exhibit 1, which is a written document that speaks for itself. The allegations are denied to the extent they are at variance with the terms of Exhibit 1.

5. Denied. By way of further information, Range Resources-Appalachia, LLC has drilled at least one well on the property described in Exhibit 1.

6. Admitted. Range Resources Corporation is not a party to any lease or other contract relating to the development of the property described in Exhibit 1. By way of further response, Range Resources-Appalachia, LLC is a party to various leases and other contracts relating to the development of the property described in Exhibit 1.

7. Denied.

COUNT I - TRESPASS

8. Paragraph 8 is an incorporation paragraph to which no response is required.

9. Denied.

WHEREFORE, defendant Range Resources Corporation is entitled to entry of judgment in its favor and against the Plaintiffs, all at the Plaintiffs' cost.

COUNT II - CONVERSION

10. Paragraph 10 is an incorporation paragraph to which no response is required.

11. Denied.

WHEREFORE, defendant Range Resources Corporation is entitled to entry of judgment in its favor and against the Plaintiffs, all at the Plaintiffs' cost.

COUNT III – ACCOUNTING

12. Paragraph 12 is an incorporation paragraph to which no response is required.

13. Denied.

WHEREFORE, defendant Range Resources Corporation is entitled to entry of judgment in its favor and against the Plaintiffs, all at the Plaintiffs' cost.

AFFIRMATIVE DEFENSES

1. Range Resources Corporation incorporates by reference its responses to paragraphs 1-13 above.
2. All allegations in the Complaint not specifically admitted above are denied.
3. The Complaint does not state a claim upon which relief can be granted.
4. Range Resources Corporation has no interest in the property that is described in the Complaint.
5. Range Resources Corporation is not a party to any lease or contract affecting the property that is described in the Complaint
6. Range Resources Corporation is not a party to any lease or contract in which the Plaintiffs have an interest.
7. The Plaintiffs lack standing.
8. The Plaintiffs are not entitled to assert any claims relating to the surface of the property described in the Complaint because the Plaintiffs do not have an interest in the surface.
9. The Plaintiffs possess only a partial interest in the mineral rights within the property described in the Complaint.
10. The Plaintiffs agreed to, consented to, gave permission and/or authorized the conduct complained of in the Complaint either expressly or impliedly.
11. The owner(s) of the surface of the property described in the Complaint have authorized the conduct complained of in the lawsuit and/or otherwise have waived any claim relating to development of the surface of the property described in the Complaint.

12. The other partial mineral owners and/or cotenants of the Plaintiffs of the property described in the Complaint have consented to or authorized the conduct complained of in this lawsuit and/or otherwise have waived any claim relating to development of the surface of the property described in the Complaint.

13. The Plaintiffs and/or their predecessors in interest knowingly, voluntarily and willingly entered into the lease(s) encompassing the property that is described in the Complaint.

14. The Plaintiffs are bound by the terms of the lease(s).

15. The Plaintiffs' claims are barred by the clear and unambiguous language of the Leases.

16. The Plaintiffs and/or their predecessors in interest knowingly, voluntarily and willingly entered into agreements expressly authorizing development of the surface of the property described in the Complaint, to the extent that Plaintiffs had any rights to the surface, which is denied.

17. The Plaintiffs are bound by the terms of those agreements.

18. The Plaintiffs' claims are barred by the clear and unambiguous language of those agreements.

19. The Plaintiffs' claims are barred in whole or part based upon the defense of estoppel and/or laches.

20. The Plaintiffs' claims are barred in whole or in part based upon the defense of waiver.

21. The Plaintiffs' claims are barred in whole or in part based upon the doctrines of consent or ratification.

22. The Plaintiffs' claims are barred by the applicable statutes of limitation and repose.

23. The Plaintiffs' claims are barred by the doctrine of laches.

24. The Plaintiffs' claim for punitive damages is barred or limited by the provisions of the United States and Pennsylvania Constitutions, including the rights of due process and equal protection.

WHEREFORE, Defendant Range Resources Corporation requests entry of judgment in its favor and against Plaintiffs, all at Plaintiffs' cost.

REED SMITH LLP

Dated: April 25, 2013

/s/ Kevin C. Abbott

Kevin C. Abbott

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*Counsel for Defendant
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served via the Court's ECF filing system:

David C. Hook
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P.O. Box 792
189 West High Street
Waynesburg, PA 15370

Dated: April 25, 2013

/s/ Kevin C. Abbott